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May 27, 2008

Mr. Corbin R. Davis
Clerk of the Court
Michigan Supreme Court
P. O. Box 30052
Lansing, Michigan 48909

Re: ADM File No. 2006-16
Proposed Amendment of Rules 6.302 and 6.310 of Michigan Court Rules

Dear Mr. Davis:

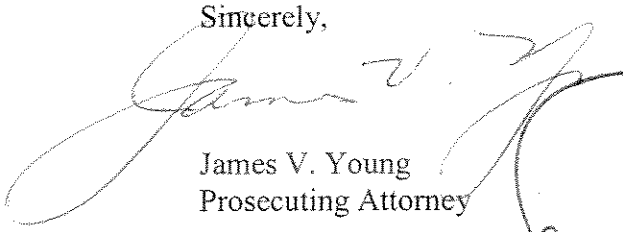
The Sanilac County Prosecuting Attorney's Office opposes the proposed amendments to Michigan Court Rules 6.302 and 6.310. We believe that the current practice functions extremely well.

In this county, the Circuit Court Judge and the District Court Judge hold pretrials in chambers. The parties discuss plea negotiations and agreements. The court then indicates that if it cannot live with the agreement after the pre-sentence report, the defendant may withdraw his plea. The plea discussions in chambers are after consultation with the victims or a review of the victim impact statement.

It has been my experience that a defendant wants to know what his sentence parameters are going to be prior to his plea. Many times the impartial and reasoned input of the judge leads both sides to a more realistic outcome. Removing the judge from the equation will lead to many more costly trials, protracted discussions between prosecutor and defense counsel (or none at all), and many plea withdrawals, leading to further delays of justice both to defendants and victims.

We encourage rejection of the proposed amendments.

Sincerely,


James V. Young
Prosecuting Attorney

JVY:pm

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